

1 AN ACT concerning children.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Children and Family Services Act is
5 amended by changing Section 9.1 as follows:

6 (20 ILCS 505/9.1) (from Ch. 23, par. 5009.1)

7 Sec. 9.1. The parents or guardians of the estates of
8 children accepted for care and training under the Juvenile
9 Court Act or the Juvenile Court Act of 1987, or through a
10 voluntary placement agreement with the parents or guardians
11 shall be liable for the payment to the Department, or to a
12 licensed or approved child care facility designated by the
13 Department of sums representing charges for the care and
14 training of those children at a rate to be determined by the
15 Department, which may not exceed the amount that the parents
16 or guardians would reasonably pay to support their children
17 if the children were not placed into the care or training.

18 The Department shall establish a standard by which shall be
19 measured the ability of parents or guardians to pay for the
20 care and training of their children, and shall implement the
21 standard by rules governing its application. The standard
22 and the rules shall take into account ability to pay as
23 measured by annual income and family size. Medical or other
24 treatment provided on behalf of the family may also be taken
25 into account in determining ability to pay if the Department
26 concludes that such treatment is appropriate.

27 In addition, the Department may provide by rule for
28 referral of Title IV-E foster care maintenance cases to the
29 Department of Public Aid for child support enforcement
30 services under Title IV-D of the Social Security Act. The
31 Department shall consider "good cause" as defined in

1 regulations promulgated under Title IV-A of the Social
2 Security Act, among other criteria, when determining whether
3 to refer a case and, upon referral, the parent or guardian of
4 the estate of a child who is receiving Title IV-E foster care
5 maintenance payments shall be deemed to have made an
6 assignment to the Department of any and all rights, title and
7 interest in any support obligation on behalf of a child. The
8 rights to support assigned to the Department shall constitute
9 an obligation owed the State by the person who is responsible
10 for providing the support, and shall be collectible under all
11 applicable processes.

12 The acceptance of children for services or care shall not
13 be limited or conditioned in any manner on the financial
14 status or ability of parents or guardians to make such
15 payments.

16 No person shall be liable for any charges resulting from
17 the care and training of a child if that person's parental
18 rights concerning the child have been terminated through
19 either a court order or an adoptive surrender.

20 (Source: P.A. 92-590, eff. 7-1-02.)